CONDITION FOR APPROVAL FORM (TO ACCOMPANY LEGISLATION)

COMMITTEE:		DATE: 2/10/10
ORDINANCE #	RESOLUTION	# 10-R- 009
REQUESTED BY:	. WAn	
DIRECTED TO: Dept	2 Q aviation -	- Pracio Diaz
NATURE OF CONDITION FO	OR APPROVAL:	V
- aviation to provid	la a letter	from Precision
aviation to provide	yee status	Immigration)
WHEN IS THIS INFORMATIO	ON DUE, AND TO W	/HOM?
WILL THIS RESULT IN AN A	MENDMENT TO T	HE LEGISLATIONS
YES () NO ()		DEGISEATION?
WILL THIS RESULT IN A SUE	STITUTE TO THE	LEGISLATION?
YES () NO ()		
HAS THIS INFORMATION BEE	N RECEIVED? YE	S() NO()
DATE OF RECEIPT:		

A RESOLUTION BY FINANCE/EXECUTIVE COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 2 FOR CONTRACT NO. FC-3006007917, RUNWAY 10-28 NON-LICENSED VEHICLE ROAD WITH PRECISION 2000, INC., ON BEHALF OF THE DEPARTMENT OF AVIATION, IN THE AMOUNT OF \$112,651.23, TO SETTLE ALL OUTSTANDING CONTRACT CLAIMS. THE SETTLEMENT WILL BE CHARGED TO AND PAID FROM PTAEO: 18101595 (COMMUTER RUNWAY) 102 (TASK) 550591336 (DOA PFC REVENUE 96AA) 5414002 (FACILITIES OTHER THAN BLDGS) and FDOA: 5505 (AIRPORT PASSENGER FACILITY CHARGE FUND) 180201 (DOA AVIATION CAPITAL PLANNING & DEVELOPMENT) 5414002 (FACILITIES OTHER THAN BLDGS) 7563000 (AIRPORT) 101595 (COMMUTER RUNWAY) 91336 (DOA PFC REVENUE 96AA) 0000 (DEFAULT) 000000000 (DEFAULT).

WHEREAS, the City of Atlanta ("City") entered into Contract No. FC-3006007917, Runway 10-28 Non-Licensed Vehicle Road ("Contract"), with Precision 2000, Inc. ("P2K"), on behalf of the Department of Aviation, dated August 29, 2006; and

WHEREAS, P2K submitted a claim seeking compensation for delays associated with changes to the security requirements within the Airport Operations Area, which claim P2K has amended several times and is in the total amount of \$200,000 at present; and

WHEREAS, the City and P2K have engaged in claim negotiations and have now come to agreement on all outstanding issues associated with the claim; and

WHEREAS, the Aviation General Manager, the Chief Procurement Officer and the City Attorney believe it is desirable and in the best interests of the City to settle the claim with P2K in the amount of \$112,651.23 by executing Change Order No. 2 to the Contract.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor is authorized to execute Change Order No. 2 with P2K, on behalf of the City and its Department of Aviation, for the total amount of \$112,651.23, in full and final settlement of all claims P2K may have related to the Contract, including the delay claim due to the change in Airport security requirements.

BE IT FURTHER RESOLVED, that because remaining monies in the Contract are not sufficient to pay the full amount of the settlement, Change Order No. 2 requires additional funding in the amount of \$112,651.23, which shall be charged to and paid from PTAEO: 18101595 (Commuter Runway) 102 (Task) 550591336 (DOA PFC

Revenue 96AA) 5414002 (Facilities Other Than Bldgs) and FDOA: 5505 (Airport Passenger Facility Charge Fund) 180201 (DOA Aviation Capital Planning & Development) 5414002 (Facilities Other Than Bldgs) 7563000 (Airport) 101595 (Commuter Runway) 91336 (DOA PFC Revenue 96AA) 0000 (Default) 00000000 (Default).

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare Change Order No. 2 for execution by the Mayor.

BE IT FINALLY RESOLVED, that Change Order No. 2 will not become binding on the City and the City will incur no obligation or liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to P2K.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:		
Committee of Purview:		
Caption:		
Council Meeting Date:		
Requesting Dept.:		
FAC Confirmed by:		

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to authorize the Mayor to execute Change Order # 2 with Precision 2000 Inc., to settle all outstanding Contract claims for FC-3006007917, Runway 10-28 Non-licensed Vehicle Road project.

2. Please provide background information regarding this legislation.

The City of Atlanta entered into Contract FC-3006007917, Runway 10-28 Non-licensed Vehicle Road with Precision 2000 Inc. on behalf of the Department of Aviation dated August 29, 2006.

The issue first arose in November 2006, when the security requirements were changed by the Federal Government requiring that all foreign workers working within the AOA be badged. Instead of requiring the badging of all P2K's foreign workers on the NLVR project, and in order to expedite the work, the City proposed that it would move the security fence at its expense and hire gate guards to man the gate. This action by the City, allowed P2K to construct the project as planned, thereby benefiting P2K and alleviated delays which would have occurred by the change in the security badging requirements.

Precision 2000 submitted a claim seeking compensation for among other things, delays associated with the change in security requirements within the Airport Operations Area. Over the course of the past 2 years the claim has been in negotiations and has been amended several times.

Through negotiations the City and P2K have reache	d agreement on the	financial compensation	ı addressind
the following claim items:	· ·	,	

Additional Embankment:	\$19,482.00
Additional Material Handling:	\$35,165.25
Trucking:	\$16,911.56
Delay:	\$169,325.90
Total:	\$240,884.71

The existing Contract has approximately \$130,000 remaining on the Purchase Order and in retainage. This Resolution authorizes the net funding required to fund the settlement amount indicated above.

3. <u>lf A</u>	pplicable/Known:
(a)	Contract Type (e.g. Professional Services, Construction Agreement, etc): Construction Contract
(b)	Source Selection: N/A
(c)	Bids/Proposals Due: N/A
(d)	Invitations Issued: N/A
(e)	Number of Bids: N/A

- (f) Proposals Received: N/A
- (g) Bidders/Proponents: N/A
- (h) Term of Contract:
- **4. Fund Account Center (Ex. Name and number):** PTAEO: 18101595 (COMMUTER RUNWAY) 102 (TASK) 550591336 (DOA PFC REVENUE 96AA) 5414002 (FACILITIES OTHER THAN BLDGS) and FDOA: 5505 (AIRPORT PASSENGER FACILITY CHARGE FUND) 180201 (DOA AVIATION CAPITAL PLANNING & DEVELOPMENT) 5414002 (FACILITIES OTHER THAN BLDGS) 7563000 (AIRPORT) 101595 (COMMUTER RUNWAY) 91336 (DOA PFC REVENUE 96AA) 0000 (DEFAULT) 00000000 (DEFAULT)

Fι	ınd:	Account:		Center:	
5.	Source of Funds: Example:	: Local Assistance G	<i>rant</i> Passenger Facili	ty Charges	
6.	Fiscal Impact: \$112,651.23				
	cample: This legislation will enter Number	result in a reduction	in the amount of	to Fund Account	

7. Method of Cost Recovery: Passenger Facility Charges,

8. Examples:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.

This Legislative Request Form Was Prepared By: Delmena Chambers-Grubb

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE
Dept.'s Legislative Liaison: Anita Williams
Contact Number:404-530-6600
Originating Department:Aviation
Committee(s) of Purview: Finance/Executive
Chief of Staff Deadline: 01/26/10
Anticipated Committee Meeting Date(s): 02/10/09
Anticipated Full Council Date: 02/15/10
Commissioner Signature:
Chief Procurement Officer Signature: Man Alm
CAPTION A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 2 FOR CONTRACT NO. FC-3006007917, RUNWAY 10-28 NON-LICENSED VEHICLE ROAD WITH PRECISION 2000, INC., ON BEHALF OF THE DEPARTMENT OF AVIATION, IN THE AMOUNT OF \$112,651.23, TO SETTLE ALL OUTSTANDING CONTRACT CLAIMS. THE SETTLEMENT WILL BE CHARGED TO AND PAID FROM PTAEO: 18101595 (COMMUTER RUNWAY) 102 (TASK) 550591336 (DOA PFC REVENUE 96AA) 5414002 (FACILITIES OTHER THAN BLDGS) and FDOA: 5505 (AIRPORT PASSENGER FACILITY CHARGE FUND) 180201 (DOA AVIATION CAPITAL PLANNING & DEVELOPMENT) 5414002 (FACILITIES OTHER THAN BLDGS) 7563000 (AIRPORT) 101595 (COMMUTER RUNWAY) 91336 (DOA PFC REVENUE 96AA) 00000 (DEFAULT) 0000000000 (DEFAULT).
FINANCIAL IMPACT (if any) \$112,651.23 Mayor's Staff Only
Received by CPO: Received by LC from CPO: (date) (date)
Received by Mayor's Office: Reviewed by: Reviewed by: (date)
Submitted to Council: (date)